IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 16992 of 2004(W)

OPMV.955/1979 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TRIVANDRUM

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PETITIONER:

KRISHNANKUTTY, S/O.VELU ASSARI,
VARIER VEEDU, NEDUMPAYIKULAM, KOLLAM DISTRICT.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY THE
CHIEF SERETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
TOURISM DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE DIRECTOR, DEPARTMENT OF TOURISM,
DIRECTORATE, THIRUVANANTHAPURAM.

4. THE ASSISTANT EXECUTIVE ENGINEER(GARAGE)
DEPARTMENT OF TOURISM, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. MUHAMMED PUZHAKKARA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 16992/04

PETITIONER'S EXTS:

EXT.P1: PHOTO COPY OF THE JUDGMENT DT. 19.6.1982 IN O.P(MV)NO: 955/79 PASSED BY THE M.A.C.T., TRIVANDRUM

EXT.P2: -DO- OF THE JUDGMENT DT. 26.3.1979 PASSED IN C.C. NO: 328678 BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, TRIVANDRUM

EXT.P3: -DO- OF THE LETTER DT. 6.11.2003 RECEIVED BY THE PETITIONER FROM THE 3RD RESPONDENT

EXT.P4: -DO- OF REPLY DT. 28.11.2003 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT

EXT.P5: -DO- OF THE ORDER NO: 39430/POL.3/83/GAD DT. 19.9.1990 ISSUED BY THE 1ST RESPONDENT

EXT.P6: -DO- OF THE REQUEST DT. NIL SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXT.P7: -DO- OF THE RECOMMENDATION DT. 11.12.2003 OF THE 4TH RESPONDENT TO THE 2ND RESPONDENT

jj /TRUE COPY/

P.A. TO JUDGE

KURIAN JOSEPH, J.

W.P.(C) NO. 16992 OF 2004

Dated this the 26th day of November, 2007.

J U D G M E N T

The only prayer is for a direction to consider Exts.P4 and P6 representations in the matter of liability of the petitioner to pay part of the award passed by the MACT. Petitioner submits that in view of the decision of this court reported in **Badrudeen v. K.S.R.T.C.** (1999(1)ILR) he has no personal liability. It is for the petitioner to raise his contentions and produce the decision before the 3rd respondent. There will be a direction to the 3rd respondent to consider Exts.P4 and P6 with notice to the petitioner and pass appropriate orders thereon in accordance with law, adverting to the contentions taken by the petitioner within a period of four months from the date of receipt of a copy of this judgment. The interim order passed by this court will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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